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F. #2021R00426

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA

- against -

[REDACTED]

TO BE FILED UNDER SEAL

COMPLAINT AND
AFFIDAVIT IN SUPPORT
OF ARREST WARRANT

(18 U.S.C. §§ 1951(a), 924(c)(1)(A)(i),
924(c)(1)(A)(ii) and 2)

KANEL TAVERAS,
also known as "Smack,"

22-MJ-149

Defendants.

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EASTERN DISTRICT OF NEW YORK, SS:

ANTHONY LUPINACCI, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such.

Count One: Hobbs Act Robbery

On or about February 7, 2022, within the Eastern District of New York, the defendants [REDACTED] KANEL TAVERAS, also known as "Smack," together with others, did knowingly and intentionally obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by the robbery of United States currency, cell phones, headphones and other items from an individual engaged in the reselling of merchandise, in Staten Island, New York.

(Title 18, United States Code, Sections 1951(a) and 2)

Count Two: Unlawful Use of Firearms

On or about February 7, 2022, within the Eastern District of New York, the defendants [REDACTED] and KANEL TAVERAS, also known as “Smack,” together with others, did knowingly and intentionally use and carry one or more firearms during and in relation to a crime of violence, to wit: the crime charged in Count One, and did knowingly and intentionally possess such firearms in furtherance of said crime of violence, one or more of which firearms was brandished.

(Title 18, United States Code, Sections 924(c)(1)(A)(i); 924(c)(1)(A)(ii) and 2)

The source of your deponent’s information and the grounds for his belief are as follows:¹

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been for six years. I have been involved in the investigation of numerous cases involving gangs, violent crime, robberies, and firearms offenses. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file; and reports of other law enforcement officers. Unless otherwise indicated, all conversations and statements described in this affidavit are set forth in sum, substance and in part only.

2. On February 7, 2022, at approximately 8:10 p.m., in Staten Island, New York, five men participated in the armed robbery of an individual engaged in the reselling of merchandise in bulk from retailers (the “Victim”), whose identity is known to the Affiant.

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

3. The Victim was present during the robbery and has advised law enforcement agents of the following, in sum, substance, and in part:

a. The Victim works as a self-employed online merchandise reseller. For the last several months, he has purchased goods, which were previously returned to retailers such as Amazon.com, Home Depot, Walmart and others, from a commercial business located in Staten Island, New York. After buying the goods, the Victim advertised and re-sold those goods on websites including Facebook and eBay, and ultimately shipped purchased goods to buyers for profit, in New York and other states, by mail and otherwise.

b. On February, 7, 2022, the Victim was contacted on a blocked number by an individual who identified himself [REDACTED] (“CC-1”), who asked if the Victim had any electronics for sale. The Victim told CC-1 he had a Google Pixel phone and headphones for sale. CC-1 arranged to meet the Victim later that evening at a particular parking lot in Staten Island, New York, which location is known to the Affiant (the “Location”).

c. At approximately 8:10 p.m. that night, the Victim arrived at the Location and CC-1, [REDACTED] walked out of a section of nearby residences. CC-1, who was not wearing a face mask, entered the Victim’s vehicle on the front passenger side. Around this time, four other individuals arrived in a black BMW and stopped in close proximity to the Victim’s car. These individuals, who were wearing surgical face masks, got out of the BMW and approached the Victim’s vehicle. CC-1 then displayed a firearm and told the Victim to hand over his property and the keys to the vehicle’s glovebox.

d. One of the other individuals (“CC-2”), who was wearing a surgical mask and a hooded sweatshirt and had exited the black BMW from the passenger side, walked to the driver side door of the Victim’s vehicle. CC-2 told the Victim, in sum and substance, “[Victim’s nickname], run your shit, you don’t wanna do this shit.” CC-2 was holding a silver firearm.

e. CC-1 directed CC-2, whom CC-1 called “Smack,” to hit the Victim with the silver firearm. CC-2 reached through the Victim’s vehicle’s open window to hit the Victim in the back of the head with the firearm.

f. CC-1, CC-2, and the other individuals removed property from the Victim and vehicle, including items stored in the glovebox and trunk, and fled. The individuals stole items the Victim sought to resell as part of his business, including a Google Pixel 6 cell phone, JBL headphones, Samsung ear buds, Beats headphones, a Supreme bag, as well as \$600 in cash and the Victim’s personal items, including a debit card, and a quarter of an ounce of marijuana, among other items. The individuals also stole the Victim’s iPhone 12 and an iPhone 11 belonging to another individual, which was in the Victim’s vehicle.

g. During the incident, one of the individuals also took the firearm from CC-2 and pulled the trigger. The Victim heard the hammer of the gun click but no shot was discharged. The individual smacked the firearm as if it had malfunctioned.

h. All the men returned to the BMW and fled.

5. The following day, on February 8, 2022, the Victim was shown a second six-pack photo array. The Victim identified a photograph of TAVERAS as CC-2.

6. The Victim further reported to NYPD officers that he had activated the “Find My” application and learned that his stolen iPhone 12 was located at an address on North Railroad Avenue, Staten Island, New York (the “North Railroad Avenue Building”), on February 8 and February 9, 2022.

7. On February 9, 2022, law enforcement agents observed TAVERAS exit from the North Railroad Avenue Building. He was then placed under arrest.

8. Following his arrest, TAVERAS waived his Miranda rights and was interviewed by law enforcement agents. During the interview, TAVERAS admitted he was present during the February 7, 2022 robbery and other individuals used firearms during the robbery.

9. Law enforcement agents also conducted a search of an apartment located inside the North Railroad Avenue Building, with the resident’s consent. During the search, the agents found the Victim’s iPhone 12, which was taken during the February 7, 2022 robbery.

WHEREFORE, your deponent respectfully requests that the defendants

[REDACTED] and KANEL TAVERAS, also known as "Smack,"

be dealt with according to law and that an arrest warrant be issued for [REDACTED], [REDACTED]

[REDACTED]
I further request that the Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the affidavit and arrest warrants, given some targets, [REDACTED] remain at large. Based upon my training and experience, I have learned that criminals actively search for criminal affidavits and arrest warrants via the internet. Therefore, premature disclosure of the contents of this affidavit and related documents will seriously jeopardize the investigation, including by giving other targets an opportunity to flee, destroy or tamper with evidence and change patterns of behavior.

Anthony Lupinacci

ANTHONY LUPINACCI
Special Agent
Federal Bureau of Investigation

Sworn to before me this
10th day of February, 2022

Ramon E. Reyes, Jr.  Digitally signed by Ramon E. Reyes, Jr.
Date: 2022.02.10 14:32:47 -05'00'

THE HONORABLE RAMON E. REYES, JR.
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK